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PATENT
Customer Number 22,852
Attorney Docket No. 7040.0083.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Marco NAHMIAS NANNI et al.)
Application Serial No. 09/843,227) Group Art Unit: 1733
Filed: April 27, 2001) Examiner: Johnstone, A.
For: TIRE, INCLUDING FIBER-)
REINFORCED ELASTOMERIC)
INTERMEDIATE LAYER)
BETWEEN THE BELT STRUCTURE)
AND TREAD BAND, AND)
METHOD OF MAKING THE TIRE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

The items checked below are attached:

Response to Election of Species Requirement (3 pages).

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 3, 2003

By: _____
Lawrence F. Galvin
Reg. No. 44,694

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Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Applicants submit this Response to Election of Species Requirement in reply to the Office Action mailed June 4, 2003, the period for reply to which would normally extend through July 4, 2003. However, because July 4, 2003, is a Friday and a holiday, the period for reply runs through Monday, July 7, 2003.

In the Office Action, the Examiner required an election of species under 35 U.S.C. § 121 between: a first proposed species ("species A"), characterized by the Examiner as drawn to a tire whose elastomeric intermediate layer cross-linking resin is resorcinol-formaldehyde resin; and a second proposed species ("species B"), characterized by the Examiner as drawn to a tire whose

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elastomeric intermediate layer cross-linking resin is resorcinol-formaldehyde resin with aromatic polyamide fibers.

In the Office Action, the Examiner additionally stated that species B was “not in the original disclosure.” Applicants respectfully draw the Examiner’s attention to the specification at p. 14/ll. 29-31, which states “[t]he presence of cross-linking resins, e.g., resorcinol-formaldehyde resin with aromatic polyamidic fibers, is known to have a beneficial effect on the resulting compound” (emphasis added).

Applicants provisionally elect, with traverse, to prosecute proposed species A. At least the following claims read on this provisional election: claims 14-26, 25-52, and 54-92 (i.e., all claims with the exception of claim 53).

Regarding traverse of the election of species requirement, Applicants submit that both species A and species B are part of the original disclosure, and that at least independent claims 14, 16, 51, 84, 87, 90, 91, and 92 are generic to both of the proposed species as characterized by the Examiner. Thus, if these or other generic claims are found allowable, Applicants submit that Applicants are entitled to consideration of all claims dependent from them.

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